



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/357,720	07/21/1999	RUSSELL W. BELL	60704-1870	9648

7590 05/10/2002

DANIEL R MCCLURE  
THOMAS KAYDEN HORSTEMEYER & RISLEY  
100 GALLERIA PARKWAY NW  
SUITE 1500  
ATLANTA, GA 303395948

EXAMINER

VU, THONG H

ART UNIT	PAPER NUMBER
----------	--------------

2152

DATE MAILED: 05/10/2002

4

Please find below and/or attached an Office communication concerning this application or proceeding.

*Handwritten signature*

# Office Action Summary

Application No.

09/357,720

Applicant(s)

BELL, RUSSELL W.

Examiner

Thong H Vu

Art Unit

2152

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 05 March 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

Art Unit: 2152

1. This office action is in response to Amendment A filed 3/05/2002. Claims 1-12 are pending. The rejection is cited as stated below.

2. Claims 1-12 are rejected under 35 U.S.C. 103 as being obvious over Conant et al [Conant 5,315,592] in view of Dillon [6,067,561]

3. As per claims 1,7 and 9 Conant discloses a method for communicating in a point to multi-point digital subscriber line (DSL) network, comprising the steps of:

electrically connecting a local loop to customer premises wiring [Conant col 3 lines 36-62, col 4 lines 1-10];

configuring the computer as a Slave computer on the LAN, if at least one other computer is detected as being in communication with the LAN [Conant col 11 lines 40-67];

establishing a WAN communications link between the Master computer located at the customer premises and a line card located at a central office, across the local loop, wherein communications between the Master computer and the central office occur in a WAN frequency band; [Conant col 3 lines 9-35,col 5 lines 15-43, col 6 lines 8-36, col 11 lines 40-67,col 12 line 37-col 13 lines 15]. Examiner takes an Official Notice that the DSL network is well-known in the network as inherent feature of WAN link [see Liu, Veerina references]

However Conant is silent on directing outgoing WAN communications from any of the Slave computers to the WAN communications link, via the Master computer; and receiving incoming WAN communications directly at any of the Slave computers.

A skilled artisan would have looked to the Wide area network art to implement the Conant's apparatus and found Dillon's teaching. Dillon taught a network environment wherein a client sends requests through a server which is connected to a front end computer (WAN link) and the front end computer sends a notification or response directly to client machine [Dillon Fig 1-2].

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the technique of sending request indirectly through a computer and receiving the response directly from a WAN link as taught by Dillon into Conant's apparatus in order to utilize the LAN/WAN links. Doing so would provide the quick, simple and efficient process to communicate between source and destination on wide area network.

Thus the system and method of claims 1,7 and 9 is obvious in view of the combination of references.

4. As per claims 3 and 10 Conant-Dillon disclose the LAN frequency band is located at a higher than range that the WAN frequency band [Conant col 3 lines 9-35,col 5 lines 15-43, col 6 lines 8-36, col 11 lines 40-67,col 12 line 37-ol 13 lines 15].

5. As per claims 4 and 11 Conant-Dillon disclose the WAN frequency band is a DSL frequency band as inherent feature of WAN link [Conant col 3 lines 9-35,col 5 lines 15-43, col 6 lines 8-36, col 11 lines 40-67,col 12 line 37-col 13 lines 15].

6. As per claims 5 and 12 the WAN frequency band more specifically comprises an upstream frequency band and a downstream frequency band as inherent feature of

Art Unit: 2152

WAN link [Conant col 3 lines 9-35,col 5 lines 15-43, col 6 lines 8-36, col 11 lines 40-67,col 12 line 37-col 13 lines 15].

7. As per claim 2, Conant-Dillon disclose outgoing communications from a Slave computer to the Master computer using a LAN frequency band [Conant col 3 lines 9-35,col 5 lines 15-43, col 6 lines 8-36, col 11 lines 40-67,col 12 line 37-col 13 lines 15].

8. As per claim 6, Conant-Dillon disclose the step of receiving incoming WAN communications includes monitoring, by the Slave computers, communications over the customer premises wiring within the downstream frequency band as inherent feature of WAN link [Conant col 3 lines 9-35,col 5 lines 15-43, col 6 lines 8-36, col 11 lines 40-67,col 12 line 37-col 13 lines 15].

9. As per claim 8 Conant-Dillon disclose third logic, operable upon a reset condition, configured to determine whether any other computer is presently in communication with the LAN; fourth logic configured to establish WAN communications from the computer within a WAN frequency band, if the third logic indicates that no other computer is presently in communication with the LAN as inherent features of reset logic on bridges [Conant col 9 lines 6-15].

Thus, as explained above, the system and method of claims 1-12 is obvious in view of the prior art.

### ***Response to Arguments***

10. Applicant's arguments filed 3/05/02 have been fully considered but they are not persuasive to overcome the prior art.

Art Unit: 2152

11. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Conant discloses a WAN/LAN environment including the master bridge and slave bridge, loop circuitry. However Conant does not detail the DSL modem, direct transmission. Dillon discloses a WAN/LAN environment using modem and direct communication such as satellite communication [Dillon Fig 1-2]. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the technique of communication directly from a WAN link as taught by Dillon into Conant's apparatus in order to utilize the LAN/WAN links. Doing so would provide the quick, simple and efficient process to communicate between source and destination on wide area network.

12. As per claim 1, applicant argues the prior art does not teach the electrically connecting a local loop to customer premises wiring. Examiner notes the prior art taught the loop back as a function of the bridge performance [Conant col 3 lines 36-62, col 4 lines 1-9]. The prior art also taught ISDN connection which includes the customer premises and local loop circuit [Dillon col 1 lines 50-65].

Art Unit: 2152

13. As per claim 1, applicant argues the prior art does not teach "directing outgoing WAN communications from any of the slave computer to the WAN communications link via the master computer. Examiner notes the teaching above is equivalent to a server (master) using the satellite link (WAN connection) directly communication to other computer [Dillon Fig 1-2].

14. As per claims 2-6, applicant argues the prior art does not teach the LAN frequency band and WAN frequency band. Examiner notes the prior art taught the WNA/LAN frequency band is obviously produced by the WAN/LAN devices.

15. As per claim 7, applicant argues the prior art does not teach "WAN communication circuitry, "LAN communication circuitry", "first logic", "second logic". Examiner notes the prior art taught WAN/LAN network as "WAN communication circuitry, "LAN communication circuitry" and "first logic", "second logic".

16. As per claim 9, applicant argues the prior art does not teach "detecting, configuring, communicating, and monitoring". Examiner notes the prior art taught detecting [Dillon col 9 line 25, col 10 line 56]; configuring [Dillon col 8 line 57] monitoring [Conant col 3 lines 49] and communicating [Dillon col 5 line 36].

Thus, the argument is not persuasive and the rejection is sustained.

Examiner suggests applicant narrows down the claim language as described in specification which could overcome the prior art and result to merit.

Art Unit: 2152

17. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Thong Vu, whose telephone number is (703)-305-4643. The examiner can normally be reached on Monday-Thursday from 8:00AM- 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Mark Rinehart*, can be reached at (703) 305-4815.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9700.

Any response to this action should be mailed to: Commissioner of Patent and Trademarks, Washington, D.C. 20231 or faxed to :

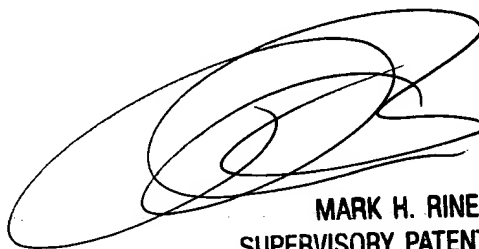
After Final (703) 746-7238

Official: (703) 746-7239

Non-Official (703) 746-7240

Hand-delivered responses should be brought to Crystal Park 11,2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

*Thong Vu*  
*Patent Examiner*  
*Art Unit 2152*



**MARK H. RINEHART**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2100**